

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Linda A. Mees,

Plaintiff,

VS.

Case No. 3:05-cv-69

Jo Anne B. Barnhart, Commissioner of
Social Security Administration,

Defendant.

ORDER

Plaintiff, sought judicial review of the final decision of the Commissioner of Social Security denying her application for disability insurance benefits and supplemental security income. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate, pursuant to 28 U.S.C. § 636, recommending that Defendant's Motion for Summary Judgment be granted, Plaintiff's Motion for Summary Judgment be denied, and that judgment be entered affirming the decision of the Commissioner. Plaintiff has objected to this recommendation within the requisite time period. Local Rule 72.1(E)(4). Plaintiff contends that "the record as a whole does not support findings of the Administrative Law Judge" and that "substantial evidence is more than enough for a reasonable mind to accept as adequate in supporting a decision of disabled." Plaintiff's Objection to Magistrates Report and Recommendation. This is not the standard. A court must affirm if substantial evidence in the record supports the ALJ's decision. *Cruse v. Bowen*, 867 F2d 1183, 1184 (8th Cir. 1989).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. There is substantial evidence in the record to support the Commissioner's final decision. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary Judgment is **DENIED** (doc. # 9); Defendant's Motion for Summary Judgment is **GRANTED** (doc. # 11). **IT IS ORDERED THAT** the decision of the Commissioner is affirmed and plaintiff's cause of action be dismissed with prejudice.

IT IS SO ORDERED.

Dated this 29th day of September, 2006.

/s/Ralph R. Erickson

Ralph R. Erickson, District Judge
United States District Court